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Notice of Allowability

Application No.

10/618,061

Examiner

Huyen Le

Applicant(s)

LAMMERT ET AL.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 08/16/2005.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Response to Arguments

1. Applicant's arguments, see page 1, lines 7-8, page 2, lines 1-32, filed 08/16/2005, with respect to claims 1, 7 and 13 have been fully considered and are persuasive. The 102 rejection of claims 1, 6, 7, 12, 13 and 18 has been withdrawn.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance: none of the prior art of record alone or in combination teaches a method of opening an engine valve comprising continuing to couple the hydraulic actuator to the source of fluid under pressure as the engine valve closing force of the return spring starts to exceed the engine valve opening force of the hydraulic actuator; and, decoupling the hydraulic actuator from the source of fluid under pressure as the engine valve stops at an engine valve opening wherein the engine valve closing force of spring exceeds the engine valve opening force of the hydraulic actuator; and an engine valve apparatus comprising valving for controllably coupling the source of fluid under pressure to the hydraulic actuator for blocking fluid flow to and from the hydraulic actuator and for allowing fluid flow from the hydraulic actuator to a vent; and, a controller controlling the valving to couple to the source of fluid under pressure to the hydraulic actuator until the engine valve stops at an engine valve opening at which the return force urging the engine valve toward the closed position exceeds the hydraulic force urging the engine valve toward the open position, then blocking fluid flow to and from the hydraulic actuators and to allow fluid flow from the hydraulic actuator to the vent when the engine valve is to be closed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

HL



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

10/31/05